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CONCORD, N.H.

Mr. Russell B. Tobey
Director of Recreation
Recreation Division
Forestry and Recreation Commission
State House Annex
Concord, New Hampshire

Dear Mr. Tobey:

This is in reply to your letter of October 3, 1958, in which you request our opinion as to whether state funds may be expended for improvement of property leased but not owned by the Forestry and Recreation Commission. You then refer to Laws 1957, chapter 357, which appropriated the sum of \$10,000 for the purpose of providing picnic areas on certain designated sites. You advise that it has not been possible to purchase one of the designated sites but that the owners will give the State a five-year lease and although they will not agree to include an option to renew in the lease itself they have indicated that there probably would be no trouble in that regard when the time came. You then inquire specifically whether any of the funds contained in the above appropriation may be expended for providing a picnic area on this particular site.

Our answer is in the affirmative. RSA 281:5, III provides in part as follows:

"The director of recreation . . . may recommend for state acquisition lands or the use of lands for recreational purposes . . ." (emphasis supplied)

It is clear therefore that lands may be leased by the State for recreational purposes and it follows as a matter of course that state funds may be expended on such leased lands to fit them for the purposes for which they were acquired. There is, of course, the question as to how much money should be expended by the State for such purposes on lands which the State holds simply on lease, but that is a matter to be decided in the sound judgment of the department or agency concerned.

Sincerely yours,

John J. Zimmerman
Assistant Attorney General

JJZ/lh